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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,682	03/03/2004	Martin LeVan		2286

7590 08/23/2005
James C. Wray
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EXAMINER

LABBEES, EDNY

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

12

Office Action Summary	Application No.	Applicant(s)	
	10/790,682	LEVAN ET AL.	
	Examiner	Art Unit	
	Edny Labbees	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/32004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/17/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the lights for illuminating the support with color must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1,2, 10 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mitchell et al. (US 6,046,686).

Regarding Claim 1, Mitchell discloses *Violation Alert Speed Display* that has the following claimed subject matters:

The claimed base is met by a base (unlabeled), see Fig. 1; claimed numerical speed indicators mounted on the support is met by numerical speed indicators display 130, see Fig. 1; claimed power supply is met by a battery, see Col. 2 Ln 51; claimed display differentiator for differentiating indication of over speed or compliant speed is met by display driver 160 that will cause the speed to be first mode, i.e., constant display of color or second mode, i.e., flashing display of color.

Regarding Claim 2, Mitchell discloses *Violation Alert Speed Display* that has the following claimed subject matters:

The claimed apparatus comprising a controller is met by inherent controller, necessary to run software controlling numerical indications on the display, the controller connected to a set compliance speed control for setting compliance speed and

differentiating overspeed is met by the software that controls the display settings, see Col. 2 Lns 16-17 and see Fig. 4.

Regarding Claims 10 and 11, the claims are interpreted and rejected as claims 1 and 2 as stated above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3, 4, 5, 6, 7, 12, 13, 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 6,046,686).

Regarding Claim 3, Mitchell discloses *Violation Alert Speed Display* that has the following claimed subject matters:

The claimed apparatus where the indicator changes between red and green depending on whether the approaching vehicle has gone above, at or below the compliance speed is met by the system of Mitchell which provides dual-color vehicle speed display, see Col.1 Lns 42-44, where the indicator changes color between red and amber, see Col. 2, Lns 46-50. Because the device of Mitchell is used to differentiate between above, at or below the set compliance speed, it would have been obvious to use different set of colors because it is an engineering design choice.

Regarding Claim 4, see above rejection in reference to claim 3. The claimed apparatus further including indicator comprising a segmental digital display for illuminating segments and displaying side-by-side numbers is met by segmental digital display of Mitchell that illuminates segment and displays numbers side-by-side, see Fig. 3.

Regarding Claim 5, see above rejection in reference to claim 3-4. The claimed segment, which includes light-emitting diodes for producing red and green wavelengths, is met by two sets of light emitting diodes (LEDs) of Mitchell that is capable of exhibiting at least two colors.

Regarding Claim 6 and 15, see above rejection in reference to claim 3-5. Mitchell shows rows and columns of segments that constitute an array, see Fig. 3.

Regarding Claim 7, see above rejection in reference to claim 4. The claimed apparatus that has bright light emitters for illuminating the segments with color is met by apparatus of Mitchell that is composed of two sets of light emitting diodes (LEDs), capable of displaying at least two colors, see Col. 2 Lns 43-46.

Regarding Claim 12, see above rejection in reference to claim 3.

Regarding Claim 13, see above rejection in reference to claim 4.

Regarding Claim 14, see above rejection in reference to claim 5.

Regarding Claim 16, see above rejection in reference to claim 7 and 4.

5. Claim 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 6,046,686) in view of Durinzi Jr. et al. (US 6,427,369).

Regarding Claim 8, see above rejection in reference to claim 4. Mitchell does not disclose the apparatus has lights for illuminating the supporting with color. However Durinzi teaches *Advertising Kiosk* that includes an illuminating support that encloses diffuser sheets, which can be colored or uncolored, see Col. 5 ln 25 and Col. 7 lns 44-47. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Durinzi into the system of Mitchell to illuminate the support with color.

6. Claim 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 6,046,686) and Yoshida (US 5,699,056) and further in view of Angeloni (US 3,680,043).

Regarding Claim 9 and 18, the device of Mitchell is used to differentiate between above, at or below the set compliance speed but does not teach the number of vehicles

and the speeds of the vehicle sensed. However, Yoshida discloses *Traffic Information System* that has the following claimed subject matters:

The claimed memory is met by memory (unlabeled); the claimed controller is met by information processor 10; The on-vehicle apparatus of Yoshida comprises a laser radar, where the number of vehicles and speeds of the vehicles are sensed, see abstract lns 8-11. What Yoshida does not teach is the number of vehicles that exceeded the speed limit and the average vehicle speed. However Angeloni does teaches a system reports the occurrences of excessive vehicular speeds, see abstract lns 12-14 and time, see Col.4, ln 30. Furthermore, it is the user interpretation to define what racing speed is. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Yoshida and Angeloni into the system of Mitchell to detect the number of vehicles sensed, the number of vehicles that exceeded the speed limit and to interpret the measurement of racing speed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Davis et al. *Traffic Monitoring System*, (US 5,935,190)

Dekock et al. *System For Providing Traffic Information*, (US 6,574,548)

Haeri, *Speed Minder*, (US 5,659,290)

Hein, *Portable Traffic Control System with Television...*, (US 3,729,706)

L.J. Carey et al. *Selective Speed Signs Actuated By...*, (US 3,544,958)

Young, *Traffic Speed Radar Unit*, (US 5,159,345)

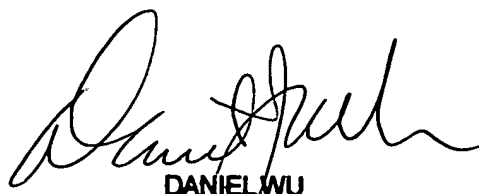
Al-Ahmed, *Traffic Speed Surveillance and Control System*, (US 6,384,740)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edny Labbees
8/16/2005


DANIEL WU
SUPERVISORY PATENT EXAMINER

8/22/05